

108TH CONGRESS  
1ST SESSION

# S. 281

To amend the Transportation Equity Act for the 21st Century to make certain amendments with respect to Indian tribes, to provide for training and technical assistance to Native Americans who are interested in commercial vehicle driving careers, and for other purposes.

---

## IN THE SENATE OF THE UNITED STATES

FEBRUARY 4, 2003

Mr. CAMPBELL introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

---

## A BILL

To amend the Transportation Equity Act for the 21st Century to make certain amendments with respect to Indian tribes, to provide for training and technical assistance to Native Americans who are interested in commercial vehicle driving careers, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4       (a) SHORT TITLE.—This Act may be cited as the  
5       “Indian Tribal Surface Transportation Improvement Act  
6       of 2003”.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

#### TITLE I—INDIAN TRIBAL SURFACE TRANSPORTATION

Sec. 101. Short title.

Sec. 102. Amendments relating to Indian tribes.

#### TITLE II—TRAINING AND TECHNICAL ASSISTANCE FOR NATIVE AMERICANS

Sec. 201. Short title.

Sec. 202. Purposes.

Sec. 203. Definitions.

Sec. 204. Commercial vehicle driving training program.

## **TITLE I—INDIAN TRIBAL SURFACE TRANSPORTATION**

### **SEC. 101. SHORT TITLE.**

This title may be cited as the “Indian Tribal Surface Transportation Act of 2003”.

### **SEC. 102. AMENDMENTS RELATING TO INDIAN TRIBES.**

(a) OBLIGATION LIMITATION.—Section 1102(c)(1) of the Transportation Equity Act for the 21st Century (23 U.S.C. 104 note; 112 Stat. 116) is amended—

(1) by striking “Code, and” and inserting “Code,”; and

(2) by inserting before the semicolon the following: “, and for each of fiscal years 2003 and 2004, amounts authorized for Indian reservation roads under section 204 of title 23, United States Code”.

1       (b) DEMONSTRATION PROJECT.—Section 202(d)(3)  
 2 of title 23, United States Code, is amended by adding at  
 3 the end the following:

4               “(C) FEDERAL LANDS HIGHWAY PROGRAM  
 5 DEMONSTRATION PROJECT.—

6               “(i) IN GENERAL.—The Secretary  
 7 shall establish a demonstration project  
 8 under which all funds made available  
 9 under this title for Indian reservation  
 10 roads and for highway bridges located on  
 11 Indian reservation roads as provided for in  
 12 subparagraph (A) shall be made available,  
 13 on the request of an affected Indian tribal  
 14 government, to the Indian tribal govern-  
 15 ment for use in carrying out, in accordance  
 16 with the Indian Self-Determination and  
 17 Education Assistance Act (25 U.S.C. 450  
 18 et seq.), contracts and agreements for the  
 19 planning, research, engineering, and con-  
 20 struction described in that subparagraph.

21               “(ii) EXCLUSION OF AGENCY PARTICI-  
 22 PATION.—In accordance with subpara-  
 23 graph (B), all funds for Indian reservation  
 24 roads and for highway bridges located on  
 25 Indian reservation roads to which clause

1 (i) applies shall be paid without regard to  
2 the organizational level at which the Fed-  
3 eral lands highway program has previously  
4 carried out the programs, functions, serv-  
5 ices, or activities involved.

6 “(iii) SELECTION OF PARTICIPATING  
7 TRIBES.—

8 “(I) PARTICIPANTS.—

9 “(aa) IN GENERAL.—For  
10 each fiscal year, the Secretary  
11 shall select 12 geographically di-  
12 verse Indian tribes from the ap-  
13 plicant pool described in sub-  
14 clause (II) to participate in the  
15 demonstration project carried out  
16 under clause (i).

17 “(bb) CONSORTIA.—Two or  
18 more Indian tribes that are oth-  
19 erwise eligible to participate in a  
20 program or activity to which this  
21 title applies may form a consor-  
22 tium to be considered as a single  
23 tribe for the purpose of becoming  
24 part of the applicant pool under  
25 subclause (II).

1                   “(cc) FUNDING.—An Indian  
2                   tribe participating in the pilot  
3                   program under this subpara-  
4                   graph shall receive funding in an  
5                   amount equal to the sum of the  
6                   funding that the Indian tribe  
7                   would otherwise receive in ac-  
8                   cordance with the funding for-  
9                   mula established under the other  
10                  provisions of this subsection, and  
11                  an additional percentage of that  
12                  amount equal to the percentage  
13                  of funds withheld during the ap-  
14                  plicable fiscal year for the road  
15                  program management costs of  
16                  the Bureau of Indian Affairs  
17                  under subsection (f)(1).

18                 “(II) APPLICANT POOL.—The ap-  
19                 plicant pool described in this sub-  
20                 clause shall consist of each Indian  
21                 tribe (or consortium) that—

22                         “(aa) has successfully com-  
23                         pleted the planning phase de-  
24                         scribed in subclause (III);

“(bb) has requested participation in the demonstration project under this subparagraph through the adoption of a resolution or other official action by the tribal governing body; and

“(cc) has demonstrated financial stability and financial management capability in accordance with subclause (III) during the 3-fiscal year period immediately preceding the fiscal year for which participation under this subparagraph is being requested.

“(III) CRITERIA FOR DETERMINING FINANCIAL STABILITY AND FINANCIAL MANAGEMENT CAPACITY.—

For the purpose of subclause (II), evidence that, during the 3-year period referred to in subclause (II)(cc), an Indian tribe had no uncorrected significant and material audit exceptions in the required annual audit of the Indian tribe’s self-determination contracts or self-governance funding

1 agreements with any Federal agency  
 2 shall be conclusive evidence of the re-  
 3 quired stability and capability.

4 “(IV) PLANNING PHASE.—

5 “(aa) IN GENERAL.—An In-  
 6 dian tribe (or consortium) re-  
 7 questing participation in the  
 8 demonstration project under this  
 9 subparagraph shall complete a  
 10 planning phase that shall include  
 11 legal and budgetary research and  
 12 internal tribal government and  
 13 organization preparation.

14 “(bb) ELIGIBILITY.—A tribe  
 15 (or consortium) described in item  
 16 (aa) shall be eligible to receive a  
 17 grant under this subclause to  
 18 plan and negotiate participation  
 19 in a project described in that  
 20 item.”.

21 (c) ADMINISTRATION.—Section 202 of title 23,  
 22 United States Code, is amended by adding at the end the  
 23 following:

24 “(f) ADMINISTRATION OF INDIAN RESERVATION  
 25 ROADS.—

1 “(1) CONTRACT AUTHORITY.—

2 “(A) IN GENERAL.—Notwithstanding any  
3 other provision of law, for any fiscal year, not  
4 more than 6 percent of the contract authority  
5 amounts made available from the Highway  
6 Trust Fund to the Bureau of Indian Affairs  
7 under this title shall be used to pay the admin-  
8 istrative expenses of the Bureau for the Indian  
9 reservation roads program (including the ad-  
10 ministrative expenses relating to individual  
11 projects that are associated with the program).

12 “(B) AVAILABILITY.—Amounts made  
13 available to pay administrative expenses under  
14 subparagraph (A) shall be made available to an  
15 Indian tribal government, on the request of the  
16 government, to be used for the associated ad-  
17 ministrative functions assumed by the Indian  
18 tribe under contracts and agreements entered  
19 into under the Indian Self-Determination and  
20 Education Assistance Act (25 U.S.C. 450 et  
21 seq.).

22 “(2) HEALTH AND SAFETY ASSURANCES.—Not-  
23 withstanding any other provision of law, an Indian  
24 tribe or tribal organization may commence road and  
25 bridge construction under the Transportation Equity



1 Act for the 21st Century (Public Law 105–178) that  
 2 is funded through a contract or agreement under the  
 3 Indian Self-Determination and Education Assistance  
 4 Act (25 U.S.C. 450 et seq.) if the Indian tribe or  
 5 tribal organization has—

6 “(A) provided assurances in the contract  
 7 or agreement that the construction will meet or  
 8 exceed proper health and safety standards;

9 “(B) obtained the advance review of the  
 10 plans and specifications from a licensed profes-  
 11 sional who has certified that the plans and  
 12 specifications meet or exceed the proper health  
 13 and safety standards; and

14 “(C) provided a copy of the certification  
 15 under subparagraph (B) to the Director of the  
 16 Bureau of Indian Affairs.

17 “(g) SAFETY INCENTIVE GRANTS.—

18 “(1) SEAT BELT SAFETY INCENTIVE GRANT  
 19 ELIGIBILITY.—Notwithstanding any other provision  
 20 of law, an Indian tribe that is eligible to participate  
 21 in the Indian reservation roads program under sub-  
 22 section (d) shall be deemed to be a State for the  
 23 purpose of being eligible for safety incentive alloca-  
 24 tions under section 157 to assist Indian communities

1 in developing innovative programs to promote in-  
2 creased seat belt use rates.

3 “(2) INTOXICATED DRIVER SAFETY INCENTIVE  
4 GRANT ELIGIBILITY.—Notwithstanding any other  
5 provision of law, an Indian tribe that is eligible to  
6 participate in the Indian reservation roads program  
7 under subsection (d) shall be deemed to be a State  
8 for the purpose of being eligible for safety incentive  
9 grants under section 163 to assist Indian commu-  
10 nities in the prevention of the operation of motor ve-  
11 hicles by intoxicated persons.

12 “(3) FUNDING PROCEDURES AND ELIGIBILITY  
13 CRITERIA.—

14 “(A) IN GENERAL.—The Secretary, in con-  
15 sultation with Indian tribal governments, may  
16 develop funding procedures and eligibility cri-  
17 teria applicable to Indian tribes with respect to  
18 allocations or grants described in paragraphs  
19 (1) and (2).

20 “(B) PUBLICATION.—The Secretary shall  
21 ensure that procedures or criteria developed  
22 under subparagraph (A) are published annually  
23 in the Federal Register.”.

1 **TITLE II—TRAINING AND TECH-**  
 2 **NICAL ASSISTANCE FOR NA-**  
 3 **TIVE AMERICANS**

4 **SEC. 201. SHORT TITLE.**

5 This title may be cited as the “Native American Com-  
 6 mercial Driving Training and Technical Assistance Act”.

7 **SEC. 202. PURPOSES.**

8 The purposes of this title are—

9 (1) to foster and promote job creation and eco-  
 10 nomic opportunities for Native Americans; and

11 (2) to provide education, technical, and training  
 12 assistance to Native Americans who are interested in  
 13 commercial vehicle driving careers.

14 **SEC. 203. DEFINITIONS.**

15 In this title:

16 (1) **COMMERCIAL VEHICLE DRIVING.**—The term  
 17 “commercial vehicle driving” means the driving of—

18 (A) a vehicle that is a tractor-trailer truck;

19 or

20 (B) any other vehicle (such as a bus or a  
 21 vehicle used for the purpose of construction) the  
 22 driving of which requires a commercial license.

23 (2) **INDIAN TRIBE.**—The term “Indian tribe”  
 24 has the meaning given the term in section 4 of the

1 Indian Self-Determination and Education Assistance  
2 Act (25 U.S.C. 450b).

3 (3) NATIVE AMERICAN.—The term “Native  
4 American” means an individual who is a member  
5 of—

6 (A) an Indian tribe; or

7 (B) any people or culture that is indige-  
8 nous to the United States, as determined by the  
9 Secretary.

10 (4) SECRETARY.—The term “Secretary” means  
11 the Secretary of Labor.

12 **SEC. 204. COMMERCIAL VEHICLE DRIVING TRAINING PRO-**  
13 **GRAM.**

14 (a) GRANTS.—The Secretary may provide grants, on  
15 a competitive basis, to entities described in subsection (b)  
16 to support programs providing training and certificates  
17 leading to the licensing of Native Americans with respect  
18 to commercial vehicle driving.

19 (b) ELIGIBILITY.—To be eligible to receive a grant  
20 under subsection (a), an entity shall—

21 (1) be a tribal college or university (as defined  
22 in section 316(b)(3) of the Higher Education Act  
23 (20 U.S.C. 1059(b)(3)); and

24 (2) prepare and submit to the Secretary an ap-  
25 plication at such time, in such manner, and con-

1       taining such information as the Secretary may re-  
2       quire.

3       (c) PRIORITY.—In providing grants under subsection  
4 (a), the Secretary shall give priority to grant applications  
5 that—

6           (1) propose training that exceeds proposed min-  
7       imum standards for training tractor-trailer drivers  
8       of the Department of Transportation;

9           (2) propose training that exceeds the entry level  
10      truck driver certification standards set by the Pro-  
11      fessional Truck Driver Institute; and

12          (3) propose an education partnership with a  
13      private trucking firm, trucking association, or simi-  
14      lar entity in order to ensure the effectiveness of the  
15      grant program under this section.

16      (d) AUTHORIZATION OF APPROPRIATIONS.—There  
17      are authorized to be appropriated such sums as are nec-  
18      essary to carry out this title.

○